SINGLE BENCH (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

W.P. (Cri) NO. 6330 OF 2006

PETITIONER : Shivshankar Gupta,
Aged about 25 years,
S/o. Shri Jagat Pal Prasad,
Occupation: Service,
Working as Gaddidar,
Country Liquor on licensed shop situated at Vyapar Vihar,Bilaspur (C.G.)
R/o. Bajrang Complex,
Telipara, District Bilaspur,
Chhattisgarh

VERSUS

RESPONDENTS :

1. Secretary
Government of Chhattisgarh
Department of Home Affairs,
D.K.S. Bhawan, Mantralaya,
Raipur (Chhattisgarh)

P.R. No. 6366/06
Presented by Shri S. Dangre
dated 15-11-06

2. The Superintendent of Police,
District Bilaspur, Chhattisgarh

3. Shri B.S. Parihar,
Presently working as
Sub Inspector, Special Branch,
Bilaspur, District Bilaspur,
Chhattisgarh

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CLERK to A. G. BILASPUR

4. Dy. Superintendent of Police,
Special Police Station under provisions of S.C. /S.T. Prevention of Atrocities Act, 1989, Bilaspur, District Bilaspur,
Chhattisgarh

15/11/06

5. Basant Kumar Kujur,
S/o. Shri Martin Nicodin,
Presently working as Constable,
Special Branch, Bilaspur,
District Bilaspur (CG)

6. Nicodin Kujur,
S/o. Shri Martin Nicodin,
R/o. Police Line Tifra,
Bilaspur, District Bilaspur
Chhattisgarh

(5) (2)

7. T.R. Bhagat,
S/o. (Not known)
R/o. Police Line, Tifra,
Bilaspur, District Bilaspur,
Chhattisgarh

8. Dinesh Kumar Jha
S/o. (Not known)
R/o. Police Line, Tifra,
Bilaspur, District Bilaspur,
Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

(20)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C) No. 6330 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	20.11.2006 Shri Saurabh Dangi, Advocate for the petitioner. Shri Sanjay S.Agrawal, Government Advocate for the State. Heard. This petition has been filed by the petitioner on account of inaction on the part of the respondent authorities. It is mentioned in the petition that on 4.9.2006 at about 11 pm the petitioner was working as Gaddidar, Country Liquor on licensed shop situated at Vyapar Vihar. The shop was closed and employees of the shop were counting sale proceeds inside the shop. At that time, some police officials, who were consuming the liquor besides the shop, have demanded more liquor from the petitioner and other employees, on which the petitioner informed that as the shop was closed they were not entitled to more liquor, whereupon they started abusing the employees, on which the petitioner and other employees of the shop asked them not to abuse them. On this, the police officials brought clubs and broke into shop and caused loss by breaking the liquor bottles, assaulted the employees, who were present in the shop. They have also took away the sale proceeds. A report of this incident was lodged in the police station Tarbahar, which was registered at Crime No.269 of 2006 on the same day. Now the police officials are not filing the charge sheet and threatening the	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक (cr) W.P. (C) 6330 सन् 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner that he will be implicated in an offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, if the complaint is not withdrawn.

In the circumstances, if the police is not taking any action and not proceeding with the fair investigation, then the petitioner is entitled to file a complaint before the Court of Judicial Magistrate concerned and that Court is entitled to take action. Even as per provisions of Section 210 of Cr.P.C. the Magistrate can call for the report on the matter from the police. Therefore, the appropriate forum for the petitioner is to approach the Judicial Magistrate concerned.

With the aforesaid, the petition stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge

P.T.O.